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Hon. Maxine M. Chesney
United States District Judge
450 Golden Gate Ave.
San Francisco, CA 94102

Re: Philip Morris v. Sheraga Raz, No. 3:06-CV-0701 MMC

Dear Judge Chesney,

This case is coming before you for a case management conference on October 6, 2006, at 10:30 a.m.

You may remember that a further case management conference date was selected in the event that a final settlement could not be consummated. Unfortunately, although we have reached an agreement in principal, we have not been able to agree on some of the details. In addition, I am pessimistic that we will be able to reach an agreement without the aid of a Magistrate Judge settlement conference.

The purpose of this letter is to inform you that I have a settlement conference scheduled in the case of Brown v. United Group, Alameda County No. RG04-180025, on the same date, beginning at 9:00 a.m., in Department 3, in Oakland. As a result, I don't believe that I will be able to make a personal appearance in this case on that date.

I am certain that the settlement judge will authorize me to call my appearance in, if that will work for you.

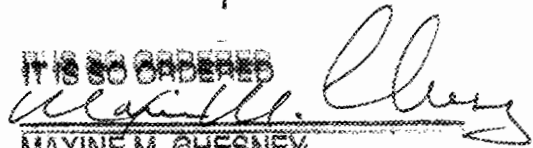
Yours truly,


Hugo Torbet

cc. Nate Spencer Mork

Good cause appearing, counsel for both parties shall appear at the case management conference by telephone.

IT IS SO ORDERED


MAXINE M. CHESNEY
UNITED STATES DISTRICT JUDGE
DATE SEP 28 2006